

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.845/96

Date of Order : 18.7.96

BETWEEN

1. Smt.K.Narasamma

.. Applicants

2. K.M.Murali

AND

The Commandant,  
Military College of EME,  
Trimulgherry P.O.  
Secunderabad-15.

.. Respondents.

Counsel for the Applicants

.. Mr.C.M.R.Velu

Counsel for the Respondent

.. Mr.K.Bhaskara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN ; MEMBER (ADMN.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

There are 2 applicants in this OA. The first applicant is the wife of one late Sri Muthyaloo who died while serving as Cashier in the respondent organisation on 8.11.87. The second applicant is the son of the first applicant. This OA is filed for appointing the second applicant on compassionate ground in the respondents organisation on account of the death of Sri Muthyaloo father of the second applicant <sup>who died</sup> while in harness.

2. The applicant submitted a representation wayback on 11.7.88 (A-1). Though the applicant submit~~s~~ that the case was pursued by them vigorously through personal contact the reply was given by the respondents organisation by the impugned letter No.20305/Est(Civ) dated 19.6.95 (A-2). Thereafter also she approached the authorities by filing another representation dated 17.8.95 (A-3). This OA is filed for compassionate ground

appointment setting aside the proceedings No. 20305/Est (Civ) dated 19.6.95 (A-2).

3. The applicant states that she is in an indigent circumstance as there is no way for her to maintain a family. At the time of the death of her husband she was forced to maintain her son who is the second applicant in this OA and her daughter who got recently married. The final settlement was so meagre that she could not sustain the family with that ~~of~~ meagre amount. Eventhough some of her sons are employed they are not useful to her as they are married and living away from her. In view of the above she requested the authorities to appoint the second applicant on compassionate ground.

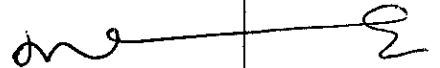
4. The impugned proceedings dated 19.6.95 does not indicate whether the Commandant is the competent authority to dispose of the representation for grant of compassionate ground appointment. Though her first representation dated 11.7.88 (A-1) was addressed to Director General, that representation was disposed of by Commandant, Military College of EME. Further it is stated in the letter dated 19.6.95 that the factual position of this case has already been <sup>advised</sup> ~~addressed~~ to applicant No.1 in this OA. This is not a way of rejecting a representation. A reply to a representation should be comprehensive and indicate the reasons for rejecting the representation or upholding the representation. Hence it has ~~to be held~~ that the letter dated 19.6.95 is a nonspeaking order. Hence her representation dated 11.7.88 and other representation submitted by her should be considered by the competent authority and take a final decision on the facts of this case.

5. In the result, the following direction is given:-  
The letter No.20305/Est (Civ) dated 19.6.95 is set aside. The representation of the applicant dated 11.7.88 and other representation dated 17.8.95 (A-3) should be disposed of by the

.. 3 ..

competent authority in accordance with the rules. A speaking order should be issued to the applicant in this OA after the case is decided fully by the competent authority. Time for compliance is 4 months from the date of receipt of a copy of the judgement.

6. O.A . is ordered accordingly at the admission stage itself. No costs.



( R.RANGARAJAN )  
Member (Admn.)

Dated: 18th July, 1996

( Dictated in Open Court )

sd

Aritha 23.7.16  
Dy. Registrar (S)

: 4 :

O.A. 845/96.

Copy to:-

1. The Commandant, Military College of EME, Trimulgherry, PO, Secunderabad.
2. One copy to Sri. C.M.R.Velu, advocate, CAT, Hyd.
3. One copy to Sri. K.Bhaskar Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

8/8/96

DA-895/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

148/204

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

18/7/96

ORDER/JUDGEMENT

O.A. NO./R.A./C.P. NO.

O.A. NO.

in  
845/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

